

MERCHANT & GOULD P.C.
United States Patent Application
DECLARATION

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled DYNAMIC BUFFER SIZE ALLOCATION FOR MULTIPLEXED STREAMING, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
 b. ☐ such applications have been filed as follows:

| FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119 | | | |
|--|--------------------|--------------------------------------|-------------------------------------|
| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| | | | |
| ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S) | | | |
| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| | | | |

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

For Continuation-in-Part (CIP) Applications, complete

| U.S. APPLICATION NUMBER | DATE OF FILING (day, month, year) | STATUS (patented, pending, abandoned) |
|-------------------------|-----------------------------------|---------------------------------------|
| | | |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| U.S. PROVISIONAL APPLICATION NUMBER | DATE OF FILING (Day, Month, Year) |
|-------------------------------------|-----------------------------------|
| 60/249,007 | November 15, 2000 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | |
|----------------------------|-------------------------|--|--------------------------------|--------------------------------|
| 2 | Full Name Of Inventor | Family Name Dixon | First Given Name Robert | Second Given Name William |
| 0 | Residence & Citizenship | City Longmont | State or Foreign Country CO | Country of Citizenship US |
| 1 | Post Office Address | Post Office Address 310 Widgeon Drive | City Longmont | State & Zip Code/Country CO |
| Signature of Inventor 201: | | | Date: | |

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|--------------|--|-----------------|--|
| Inventor(s): | Robert William Dixon | | |
| Serial No.: | | Examiner: | |
| Filed: | | Group Art Unit: | |
| Title: | DYNAMIC BUFFER SIZE ALLOCATION FOR MULTIPLEXED STREAMING | | |
| Docket: | STL9981/40046.155USU1 | | |

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified application, all powers of attorney previously given are hereby revoked and the following practitioners/patent agent are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

| | |
|---|---|
| Shawn B. Dempster, Registration No. 34,321 | Edward P. Heller, III, Registration No. 29,075 |
| Jonathan E. Olson, Registration No. 41,231 | Raghunath S. Minisandram, Registration No. 38,683 |
| Derek J. Berger, Registration No. 45,401 | Leland D. Schultz, Registration No. 30,322 |
| Kirk A. Cesari, Registration No. 47,479 | Carol I. Bordas, Registration No. 37,284 |
| Mitchell K. McCarthy, Registration No. 38,794 | |

And members of the firm of Merchant & Gould P.C.

| | | | |
|-----------------------------|------------------|---------------------------|-----------------|
| Albrecht, John W. | Reg. No. 40,481 | Gould, John D. | Reg. No. 18,223 |
| Ali, M. Jeffer | Reg. No. 46,359 | Gregson, Richard | Reg. No. 41,804 |
| Anderson, Gregg I. | Reg. No. 28,828 | Gresens, John J. | Reg. No. 33,112 |
| Batzli, Brian H. | Reg. No. 32,960 | Hamer, Samuel A. | Reg. No. 46,754 |
| Beard, John L. | Reg. No. 27,612 | Hamre, Curtis B. | Reg. No. 29,165 |
| Berns, John M. | Reg. No. 43,496 | Harrison, Kevin C. | Reg. No. 46,759 |
| Black, Bruce E. | Reg. No. 41,622 | Hertzberg, Brett A. | Reg. No. 42,660 |
| Branch, John W. | Reg. No. 41,633 | Hillson, Randall A. | Reg. No. 31,838 |
| Bremer, Dennis C. | Reg. No. 40,528 | Holzer, Jr., Richard J. | Reg. No. 42,668 |
| Bruess, Steven C. | Reg. No. 34,130 | Hope, Leonard J. | Reg. No. 44,774 |
| Byrne, Linda M. | Reg. No. 32,404 | Johnston, Scott W. | Reg. No. 39,721 |
| Campbell, Keith | Reg. No. 46,597 | Kadievitch, Natalie D. | Reg. No. 34,196 |
| Carlson, Alan G. | Reg. No. 25,959 | Karjeker, Shaukat | Reg. No. 34,049 |
| Caspers, Philip P. | Reg. No. 33,227 | Kettelberger, Denise | Reg. No. 33,924 |
| Clifford, John A. | Reg. No. 30,247 | Keys, Jeramie J. | Reg. No. 42,724 |
| Daignault, Ronald A. | Reg. No. 25,968 | Knearl, Homer L. | Reg. No. 21,197 |
| Daley, Dennis R. | Reg. No. 34,994 | Kowalchyk, Alan W. | Reg. No. 31,535 |
| Dalglish, Leslie E. | Reg. No. 40,579 | Kowalchyk, Katherine M. | Reg. No. 36,848 |
| Daulton, Julie R. | Reg. No. 36,414 | Lacy, Paul E. | Reg. No. 38,946 |
| DeVries Smith, Katherine M. | Reg. No. 42,157 | Larson, James A. | Reg. No. 40,443 |
| DiPietro, Mark J. | Reg. No. 28,707 | Leon, Andrew J. | Reg. No. 46,869 |
| Doscotch, Matthew A. | Reg. No. P48,957 | Leonard, Christopher J. | Reg. No. 41,940 |
| Edell, Robert T. | Reg. No. 20,187 | Liepa, Mara E. | Reg. No. 40,066 |
| Epp Ryan, Sandra | Reg. No. 39,667 | Lindquist, Timothy A. | Reg. No. 40,701 |
| Glance, Robert J. | Reg. No. 40,620 | Mayfield, Denise L. | Reg. No. 33,732 |
| Goggin, Matthew J. | Reg. No. 44,125 | McDonald, Daniel W. | Reg. No. 32,044 |
| Golla, Charles E. | Reg. No. 26,896 | McIntyre, Jr., William F. | Reg. No. 44,921 |
| Gorman, Alan G. | Reg. No. 38,472 | Mitchem, M. Todd | Reg. No. 40,731 |

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|--------------------------|-----------------|-----------------------|-----------------|
| Mueller, Douglas P. | Reg. No. 30,300 | Sumner, John P. | Reg. No. 29,114 |
| Parsons, Nancy J. | Reg. No. 40,364 | Swenson, Erik G. | Reg. No. 45,147 |
| Pauly, Daniel M. | Reg. No. 40,123 | Tellekson, David K. | Reg. No. 32,314 |
| Phillips, John B. | Reg. No. 37,206 | Trembath, Jon R. | Reg. No. 38,344 |
| Prendergast, Paul | Reg. No. 46,068 | Tunheim, Marcia A | Reg. No. 42,189 |
| Pytel, Melissa J. | Reg. No. 41,512 | Underhill, Albert L. | Reg. No. 27,403 |
| Qualey, Terry | Reg. No. 25,148 | Vandenburgh, J. Derek | Reg. No. 32,179 |
| Reich, John C. | Reg. No. 37,703 | Wahl, John R. | Reg. No. 33,044 |
| Reiland, Earl D. | Reg. No. 25,767 | Weaver, Karrie G. | Reg. No. 43,245 |
| Roberts, Fred | Reg. No. 34,707 | Welter, Paul A. | Reg. No. 20,890 |
| Samuels, Lisa A. | Reg. No. 43,080 | Whipps, Brian | Reg. No. 43,261 |
| Schmaltz, David G. | Reg. No. 39,828 | Whitaker, John E. | Reg. No. 42,222 |
| Schuman, Mark D. | Reg. No. 31,197 | Williams, Douglas J. | Reg. No. 27,054 |
| Schumann, Michael D. | Reg. No. 30,422 | Withers, James D. | Reg. No. 40,376 |
| Scully, Timothy B. | Reg. No. 42,137 | Witt, Jonelle | Reg. No. 41,980 |
| Sebald, Gregory A. | Reg. No. 33,280 | Wu, Tong | Reg. No. 43,361 |
| Skoog, Mark T. | Reg. No. 40,178 | Xu, Min S. | Reg. No. 39,536 |
| Spellman, Steven J. | Reg. No. 45,124 | Young, Thomas | Reg. No. 25,796 |
| Stoll-DeBell, Kirstin L. | Reg. No. 43,164 | Zeuli, Anthony R. | Reg. No. 45,255 |
| Sullivan, Timothy | Reg. No. 47,981 | | |

CHANGE OF ATTORNEY'S/AGENT'S ADDRESS IN APPLICATION

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

STATEMENT UNDER 37 CFR 3.73(b)

Seagate Technology LLC states that it is the Assignee of Entire Interest in the patent application/patent identified above by virtue of an Assignment from the inventor(s) of the patent application/patent identified above. A copy of the Assignment is attached and/or was recorded in the Patent and Trademark Office at Reel _____, Frame _____. The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Respectfully submitted,

SEAGATE TECHNOLOGY LLC
(Assignee of Entire Interest)

Date

Kirk A. Cesari, Reg. No. 47,479
SEAGATE TECHNOLOGY LLC
Intellectual Property Dept.- SHK2LG
1280 Disc Drive
Shakopee, MN 55379-1863
(952) 402-3534 (telephone)
(952) 402-2657 (facsimile)

ASSIGNMENT

WHEREAS, I, Robert William Dixon, residing at 310 Widgeon Drive, Longmont, CO 80503, am the inventor of an invention entitled DYNAMIC BUFFER SIZE ALLOCATION FOR MULTIPLEXED STREAMING, that is the subject matter of a provisional application for Letters Patent which is identifiable in the United States Patent and Trademark Office by Serial No. 60/249,007, filed November 15, 2000; and an application for Letters Patent, the application having been executed on even date herewith, and/or being identifiable in the United States Patent and Trademark Office by Serial No. _____, filed _____;] and

WHEREAS, Seagate Technology LLC, a limited liability company organized and existing under and by virtue of the laws of the State of Delaware and the United States of America, and having offices at 920 Disc Drive, Scotts Valley, California 95067 (hereinafter "Assignee"), is desirous of acquiring the entire right, title and interest in and to the invention, the applications, and any and all Letters Patent or similar foreign or domestic legal protection;

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, I transfer to Assignee, its successors and assigns, my entire right, title and interest in and to the invention, the above-identified applications, all provisional applications from which any of the above-identified applications claim priority, corresponding domestic and foreign applications, any continuation, division, renewal, or substitute for the applications, all Letters Patent, any reissue, re-examination, or similar legal protection issuing related to the Letters Patent, and all rights and benefits under any applicable treaty or convention; and I authorize the Director of the United States Patent and Trademark Office or foreign equivalent to issue the Letters Patent or similar legal protection to the Assignee.

I authorize the Assignee, its successors and assigns, to insert in this instrument the filing date(s) and serial numbers of the application when ascertained. I further authorize the Assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent or similar legal protection, in its own name if desired, in any and all foreign countries and appoint Assignee the common representative in the above-identified international application and any international application for the invention.

I represent to the Assignee, its successors and assigns, that I have not and shall not

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[illegible]

STATE OF _____)
)ss:
COUNTY OF _____)

On this _____ day of _____, 2001, before me personally appeared Robert William Dixon to me known to be the person described in, and who executed the foregoing instrument, and acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

Notary Public